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Federal Communications Commission
Office of the Secretary

In the matter of

Amendment of Parts 1 and 63 of the
Commission's Rules

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IB Docket No. 04-47

EX PARTE NOTICE

On July 27, 2004, David Krech, Alexandra Field, and Cara Grayer from the International Bureau, Policy Division had a telephone conference call with David Kaiser, Karl Gleaves, Catherine Lewers and Darren Misenko, from the National Oceanic and Atmospheric Administration (NOAA) to discuss issues related to the Coastal Zone Management Act (CZMA) raised in the above-referenced proceeding, IB Docket No. 04-47.

In its reply comments in this proceeding, NOAA states that it is unnecessary for the Commission to issue CZMA regulations related to submarine cable landing licenses because NOAA's regulations address potential state CZMA review of Commission licenses.

During the conference call, NOAA outlined the CZMA process and NOAA's role in that process. NOAA explained that it has regulatory authority over the state CZMA certification process and application requirements for federal license activities in or outside the coastal zones. NOAA advised the Commission that currently no states include Commission licensing in their Coastal Management Plans (CMPs) and an applicant's compliance with CZMA regulations are currently determined after the Commission grants the cable landing license. NOAA noted that New Jersey is revising its CMP and has proposed to include Commission licensing in its CMP. NOAA emphasized that if Commission licensing were to be included in the CMP, the CZMA process could not start, and an applicant would not be able to receive a consistency decision from the state until after the applicant files an application with the Commission. NOAA asserts that the Commission proposal to have an applicant receive state certification prior would not be consistent with the CZMA or NOAA's regulations. NOAA advised the Commission to modify its cable landing license rules only to include notification to an applicant that the Commission license may have to comply with the CZMA, pursuant to NOAA's regulations at 15 CFR part 930, subpart D.

Pursuant to the Section 1.12069(b)(2) of the Commission's rules, the summary of the conference call is being filed electronically.

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